

## REMARKS

The Office Action, dated October 1, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 22-33, 35-37 and 39-46 are currently pending in this application, of which claims 22, 39, 44 and 46 are independent. It is respectfully submitted that the amendments add no new subject matter to the present application and serve only to place the present application in better condition for examination. Entry of the amendments and reconsideration of the rejected pending claims are respectfully requested. It is believed that all grounds for rejection in the Office Action are currently addressed and that the present application is currently in condition for allowance in view of the amendment and the following arguments. Reconsideration of claims 22-33, 35-37 and 39-46 is therefore respectfully requested.

## Claim Objections

The Office Action objected to claims 30, 31, 39, 40 and 41 because of typographical informalities. In response, Applicants have amended these claims to address the cited informalities as suggested in the Office Action. Accordingly, withdrawal of this objection and reconsideration of these claims are respectfully requested.

Claim Rejections under 35 USC §112, Second Paragraph

The Office Action rejected claims 23, 39, 44 and 46 under 35 U.S.C. 112, second paragraph because the features “the radio access network” (claim 23) and “said radio transceiver device” (39, 44 and 46) allegedly lack proper antecedent basis. Applicants have amended these claims to address each and every of the cited deficiencies. Accordingly, withdrawal of this rejection and reconsideration of these claims are respectfully requested.

Claim Rejections under 35 USC §103(a)

Claims 22-33, 35-37 and 38-46 are rejected under 35 U.S.C. 103(a) as being obvious over US Patent No. 5,878,349 (Dufour), in view of US Patent No. 5,826,188 (Tayloe). According to the Office Action, Dufor discloses all elements of the claims except for initiating an error procedure when a desired service is not available one of the two radio access networks. To address this deficiency in Dufor, the Office Action cites to Tayloe. However, as described in greater detail below, the combination of Dufor and Tayloe fails to disclose each and every limitation of these claims as required for a proper rejection under 35 USC §103(a). Therefore, reconsideration and allowance of these claims are respectfully requested in view of the following remarks.

Independent claim 22, from which claims 23-33, 35-38, and 45 depend, recites a method, including detecting a request for specific service, where the request for specific service is received from at least one of a first access network and a second access

network. Next, information is accessed on conditions for the first radio access network and the second radio access network for giving sufficient support for a specific service requested by the request for specific service. Then, it is analyzed whether or not the first radio access network and the second radio access network meet the conditions. A handover of the radio transceiver device from the first radio access network to the second radio access network is initiated if the conditions are met by the second radio access network but the first radio access network does not, where a radio transceiver device capable of operating with the first radio access network and the second radio access network is attached to the first radio access network, and where an error procedure is initiated, when it is detected in the analyzing that the requested specific service is not available in any of the networks.

Independent claim 39, from which claims 40-43 depend, relates to a device that includes a detecting unit configured to detect a request for specific service, where the request for specific service is received from at least one of a first radio access network and a second radio access network. The device further includes an analyzing unit responsive to the detecting unit, the analyzing unit configured to access information on conditions for the first and the second radio access networks for giving sufficient support for the specific service requested by the request for specific service and analyze whether or not the first radio access network and the second radio access network meet the conditions. The device has an initiating unit responsive to the analyzing unit, the initiating unit being configured to initiate a handover of the device from the first radio

access network to the second radio access network if the respective conditions are not met by the first radio access network but by the second radio access network. More specifically, the device is a network interworking device configured to operate with a telecommunication network, and the telecommunication network includes at least two radio access networks, and a radio transceiver device capable of operating with the first radio access network and the second radio access network is attached to the first radio access network. Also, the network interworking device is configured to initiate an error procedure is initiated, when it is detected in the analyzing that the requested specific service is not available in any of the networks.

Independent claim 44 relates to a computer program embodied on a computer readable medium, for performing a method. The method includes detecting a request for specific service, where the request for specific service is received from at least one of a first radio access network and a second radio access network. The method further includes accessing information on conditions for the first and the second radio access network for giving sufficient support for a specific service requested by the request for specific service. The method includes analyzing whether or not the first radio access network and the second radio access network meets the conditions, and initiating a handover of the a device from the first radio access network to the second radio access network if the second radio access network meets the conditions but the first radio access network does not. A radio transceiver device capable of operating with a first radio access network and a second radio access network is attached to the first radio access

network, and the first radio access network and the second radio access network being of different kinds. Also, an error procedure is initiated when it is detected in the analyzing that the requested specific service is not available in any of the networks.

Independent claim 46 relates to a device that includes a detecting means for detecting a request for specific service, where the request for specific service is received from the network side. The device includes an analyzing means responsive to the detecting means and having the functionality of accessing information on conditions for the first and the second radio access networks for giving sufficient support for the a specific service requested by the request for specific service and analyzing whether or not the first radio access network and the second radio access network meet the conditions. An initiating means in the device, responsive to the analyzing means, is configured to initiate a handover of the device from the first radio access network to the second radio access network if the respective conditions are not met by the first radio access network but by the second radio access network. The device is a network interworking device and includes means for operating with a telecommunication network, and the telecommunication network includes at least two radio access networks, and a radio transceiver device capable of operating with the first radio access network and the second radio access network is attached to the first radio access network. The network interworking device includes means for initiating an error procedure when it is detected in the analyzing that the requested specific service is not available in any of the networks.

Applicants have carefully reviewed Dufour and Tayloe and respectfully submit that each of the above-noted independent claims recites subject matter that is not taught or disclosed by the combination of Dufour and Tayloe.

In detail, Dufour describes a call set-up on a 800 MHz analog voice channel from a channel 1900 MHz digital control channel. That is, Dufour is directed to the situation of two different networks. As described in column 1, lines 64 to 67, Dufour deals with the problem that in case the mobile station is served on a system (1900 MHz digital control channel) that does not support an analog voice channel, to set up a call on a 800 MHz analog voice channel instead. As shown in Fig. 1, there are two clusters of cells, wherein cell sites A and B operate on the 1900 MHz standard (digital), and cell sites A' and B' operate on the 800 MHz standard (analog). In Fig. 3a and 3b and in column 4, line 46, to column 5, line 23, to which also the Examiner refers.

The mobile station is originally on a DCCH. When then the user requests an analog service (analog voice channel), this call is initially set-up on the digital traffic channel (column 4, lines 63 to 56). Thereafter, the audio voice channel is initiated in a collocated hyperband neighboring cell which is defined as overlaid, i.e., provided on such a collocated hyperband channel (column 5, lines 1 to 9, steps 38 to 41). In addition, also a hyperband measurement is carried out (column 5, lines 13 to 18, steps 42 to 47). That is, so-called candidate channels are provided, and the base station selects the best channel, wherein the mobile station is instructed to tune to the selected audio voice channel (column 5, lines 13 to 18). That is, according to Dufour, a handover from a

digital system to an analog system is carried out in case an analog service is requested. Hence, the digital system knows already that the analog service is not supported.

However, Dufour does not actually describe analyzing information regarding supported services. The supported services are fully clear in the networks described by Dufour, so that Dufour cannot even suggest this specific feature, since there is no reason for performing such an analysis.

Furthermore, the passage of Dufor cited in the Office Action regarding the "hyperband measurement", *Id.*, only describes to select between different analog voice channels based on the measurements, but not to perform a handover to a different radio access network. Dufour cannot suggest such a feature, since in Dufour the capabilities of the two different networks are clearly defined: the digital system only supports digital services, whereas the analog system only supports analog services.

Furthermore, Dufour describes a call-set up initiated by the mobile station, but no request for a specific service which is received from one of the access networks. Hence, Dufour describes a different system and, thus, a different approach from the recited embodiments of the present application.

For at least these reason Dufor does not teach or suggests each and every limitation of the pending claims. Applicants further urge that Tayloe does not cure the above described deficiencies in Dufor.

In particular, Tayloe at column 8, lines 21 to 28, discloses a procedure used in case a handover is not approved by the new GW (gateway). That is, this passage does not

define any evaluation whether a requested service is supported by another network or the like, but only describes an error procedure in case the handover request is not successful. According to the present invention, however, a check is performed before actually starting the handover to determine whether a service is supported. The above procedure described by Tayloe (which is not even related to the requested service, as mentioned above) is performed after a handover is attempted. Hence, Tayloe also leads toward a different solution to the problems addressed in the present application, and this reference also does not teach or suggest each and every limitation of the pending claims.

For at least these reasons, the rejection of 22-33, 35-37 and 38-46 are rejected under 35 U.S.C. 103(a) as being obvious over Dufor in view of Tayloe is improper and should be withdrawn. Reconsideration and allowance of these claims are respectfully requested.

Furthermore, since both Dufor and Tayloe propose different, incompatible solutions, there is also no motivation to combine Dufour and Tayloe. It is believed that a combination cannot only be made with hindsight. Thus, neither Dufour nor Tayloe nor a combination thereof could have inspired a person skilled in the art to the subject-matter of the independent claims in a non-obvious manner. In particular, there is no showing in the Office Action of a teaching, suggestion or motivation within the references, or an external factor such as technical trend to combine the references.

On this alternative ground, the rejection of 22-33, 35-37 and 38-46 under 35 U.S.C. 103(a) as being obvious over Dufor in view of Tayloe is legally improper and

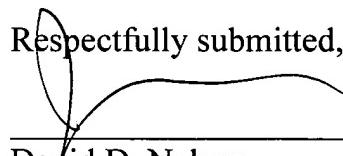
should be withdrawn. Reconsideration and allowance of these claims are again respectfully requested.

Applicants respectfully submit that each of claims 22-33, 35-37 and 38-46 recites features that are neither disclosed nor suggested in any of the cited references. Accordingly, it is respectfully requested that each of these claims be allowed, and this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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